

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES

v.

ALI AL-TIMIMI

Case No. cr-04-385

Hon. Leonie M. Brinkema

**DEFENDANT DR. ALI AL-TIMIMI'S MEMORANDUM IN SUPPORT OF HIS
EMERGENCY MOTION FOR PUBLIC CLARIFICATION OF THE COURT'S APRIL
28, 2014 MEMORANDUM OPINION AND ORDER**

Dr. Ali al-Timimi respectfully moves for public clarification of the Court's April 28, 2014 Memorandum Opinion and Order. Dr. al-Timimi seeks this relief and guidance from the Court in order to preserve his procedural rights and avert prejudice or waiver.

On April 28, 2014, this Court entered a Memorandum Opinion and an Order, (Dkt Nos. 344, 345), both of which are currently under classification review by the Court's classified information security officer. Although *pro hac* counsel Jonathan Turley is cleared to view the documents in the SCIF, he is prohibited from sharing their substance with local counsel or Dr. al-Timimi. Consequently, counsel is (1) unable to consult with each other as to whether the Court's Memorandum Opinion and Order trigger crucial procedural obligations and timelines before this Court or other courts; (2) unable to advise Dr. al-Timimi about critical matters in the case; and (3) unable to take further immediate action on Dr. al-Timimi's behalf.

In light of the foregoing, counsel for Dr. al-Timimi respectfully requests that the Court state on the public record that (1) it will postpone entry of any final order or judgment in this

remand¹ until, at minimum, the classification review concludes and the Memorandum Opinion and Order are made available on the public docket; (2) the allowed number of days to meet all procedural deadlines and other filing obligations triggered by the Memorandum Opinion and Order will not be considered to have commenced until the classification review concludes and the documents are placed on the public docket.

Respectfully submitted,

Dr. Ali al-Timimi
By Counsel

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¹ Whether a final order would be appropriate depends, of course, on the substance of the Court's ruling, to which local counsel is not privy. Given the consequences for Dr. al-Timimi of the issuance of a final order, counsel errs on the side of caution.

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Dated: May 6, 2014

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2014, the foregoing was caused to be served via the Court's ECF system, which will then send a notification of such filing (NEF) to the following:

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